

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BISCOTTI, INC.

Case No. 3:07-cv-3681 BZ

Plaintiff(s),

v.

KANDY KISS OF CALIFORNIA,
INC., d/b/a Zoey, and Does 1-
10, inclusiveADR CERTIFICATION BY PARTIES
AND COUNSEL

Defendant(s).

Pursuant to Civil L.R. 16-8(b) and ADR L.R. 3-5 (b), each of the undersigned certifies that he or she has:

- (1) Read the handbook entitled "Dispute Resolution Procedures in the Northern District of California" on the Court's ADR Internet site www.adr.cand.uscourts.gov (Limited printed copies are available from the clerk's office for parties in cases not subject to the court's Electronic Case Filing program (ECF) under General Order 45);
- (2) Discussed the available dispute resolution options provided by the Court and private entities; and
- (3) Considered whether this case might benefit from any of the available dispute resolution options.

Dated: Oct 30, 2007D. Mack
[Party] Top Sec/Treasur Biscotti, IncDated: 10/30/07Dorothy Mitchell
[Counsel]

When filing this document in ECF, please be sure to use the ADR Docket Event entitled "ADR Certification (ADR L.R. 3-5b) of Discussion of ADR Options."

1 ***Biscotti, Inc. v. Kandy Kiss of California, Inc., et al.***
 2 **United States District Court, Northern District**
 2 **Case No. 3:07-cv-3681 BZ**

3 I, the undersigned, certify that I am employed in the City and County of San Francisco,
 4 California; that I am over the age of eighteen years and not a party to the within action; and that my
 business address is Nixon Peabody LLP, One Embarcadero Center, 18th Floor, San Francisco, CA
 94111-3600.

5 On October 31, 2007, I served the following document(s):
 6

7 **ADR CERTIFICATION BY PARTIES AND COUNSEL**

8 on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed
 envelopes addressed as shown below by the following means of service:

- 10 : **By First-Class Mail** — I am readily familiar with the firm's practice for collection and
 11 processing of correspondence for mailing. Under that practice, the correspondence is
 deposited with the U.S. Postal Service on the same day as collected, with first-class postage
 thereon fully prepaid, in San Francisco, CA, for mailing to the office of the addressee
 following ordinary business practices.
- 12 : **By Personal Service** — I caused each such envelope to be given to a courier messenger to
 13 personally deliver to the office of the addressee.
- 14 : **By Overnight Courier** — I caused each such envelope to be given to an overnight mail service
 15 at San Francisco, CA, to be hand delivered to the office of the addressee on the next business
 day.
- 16 X: **By Facsimile** — From facsimile number 415-984-8300, I caused each such document to be
 17 transmitted by facsimile machine, to the parties and numbers listed below, pursuant to
 Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was
 18 reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a
 transmission record of the transmission, a copy of which is attached to the original of this
 declaration.

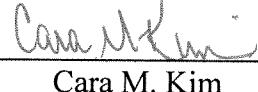
20 **Addressee(s)**

21 Mark D. Brutzkus, Esq.
 Luis A. Garcia, Esq.
 22 EZRA, BRUTZKUS, GUBNER LLP
 21650 Oxnard Street, Suite 500
 23 Woodland Hills, CA 91367

24 Attorneys for Defendant Kandy Kiss of
 California, dba Zoey

25 Telephone: (818) 827-9000
 Facsimile: (818) 827-9099
 mbrutzkus@egb-law.com
 lgarcia@egb-law.com

26 I declare under penalty of perjury that the foregoing is true and correct. Executed on October
 31, 2007, at San Francisco, California.

27 
 28 Cara M. Kim